

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SANDRO S. PEREZ,	)	Case No.: 1:20-cv-00840-DAD-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER STRIKING PLAINTIFF’S REPLY TO
v.	)	DEFENDANTS’ ANSWER
	)	
A, SMITH, et al.,	)	(ECF No. 26)
	)	
Defendants.	)	
	)	

Plaintiff Sandro S. Perez is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

This action proceeds on Plaintiff’s claim against Defendants A. Smith, D. Schuller, G. Nwachukwu, J. Burell, V. Giannandrea, J. Trujillo-Villa, J. Szalai, J. Alvarez, and an unidentified ASP designated custody supervisor for deliberate indifference to plaintiff’s safety in violation of the Eighth Amendment.

On December 21, 2020, Defendants filed an answer to the complaint.

On January 4, 2021, Plaintiff filed a “motion to strike insufficient affirmative defenses.” (ECF No. 26.)

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1 Rule 7 of the Federal Rules of Civil Procedure provides as follows:

2 There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an  
3 answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a  
4 person who was not an original party is summoned under the provisions of Rule 14; and a  
5 third-party answer, if a third-party complaint is served. No other pleading shall be allowed,  
6 except that the court may order a reply to an answer or a third-party answer.

7 Fed. R. Civ. P. 7(a). The Court did not order Plaintiff to reply to Defendants' answer, nor did Plaintiff  
8 seek any leave to file a reply to the answer. The Court declines to require any reply to the answer.

9 Accordingly, it is HEREBY ORDERED that Plaintiff's reply to Defendants' answer is stricken  
10 from the record.

11 IT IS SO ORDERED.

12 Dated: January 5, 2021



UNITED STATES MAGISTRATE JUDGE